



## **DEEPWATER HORIZON RESPONSE AND RECOVERY WORKGROUPS**

### **ACTIVITIES BY WEEK**

**AUGUST 16 – 20, 2010**

#### **Workgroup 1 – Response to current disaster and preparation for future disasters**

- a. Conduct a site visit to the Panhandle and conference calls with regional state emergency operation centers and local government officials involved with the current oil spill response to gain insights into how the current response system has been implemented. Identify the perceived successes and shortcomings of the current response, and determine how federal and state response efforts have been coordinated with local government officials. Determine whether the system has improved since the creation of local branch offices, and whether this structure has been adequate in meeting the needs of those responding to the spill.
- b. To the extent time allows, meet with or conduct a conference call with federal spill response coordinators to discuss any state and local concerns with the implementation of the spill response protocol and obtain their insights on strengths and weaknesses of the oil spill response and coordination between federal, state, and local governments.
- c. Compile and analyze all the information obtained through conversations with federal, state and local government officials regarding the oil spill response protocol.
- d. Based on all the information gathered, determine whether the current oil spill response structure, with the operational changes put in place to address local government concerns, is effective and meeting the needs of the state, local communities, and others in responding quickly and successfully to the spill, or whether additional changes are needed. If additional changes are warranted, identify recommendations or establish guidelines to accomplish this.
- e. Begin writing first draft of report.

#### ***Summary of Week 4 Activities:***

On Friday, August 20, 2010, Representative John Legg traveled to Destin, FL, to discuss oil response issues with local government representatives from the Panhandle. Representatives Bemby and Roberson attended the meeting via teleconference hosted by the City of Destin.

In attendance for local governments:

- Greg Kisela, City Manager, Destin, FL
- Buz Eddy, City Manager, Gulf Breeze, FL

- Randy McDaniel, Emergency Manager, Okaloosa County
- Gordon Goodin, Santa Rosa County Commission
- John Dosh, Escambia County Emergency Manager
- Mario Gisbert – Assistant City Manager, Panama City Beach, FL

The discussion primarily focused on the difficulty local government officials experienced with the communication between themselves and BP/U.S. Coast Guard (USCG) during the spill response. The local governments felt there was disorganization within the USCG, and a lack of coordination with the local governments who were trying to get spill response resources to their coastlines and approval to begin their own response activities. The participants also acknowledged that their local area contingency plans (ACP) were not drafted to address oil spills, particularly of this magnitude.

After the Deepwater Horizon spill first occurred, BP and the USCG established the Unified Area Command (UC) center in New Orleans, Louisiana, along with Unified Incident Commands in Houma, Louisiana; Mobile, Alabama; and Miami, Florida. BP, as the responsible party, had authority to approve or deny authorization for spill response activities of local and state governments. According to the local government officials at the meeting, they frequently requested information from BP/USCG about areas already impacted by the spill to help prepare for the threat to their own coastlines, but rarely received the information they requested. Several local governments sent their own people to affected areas to report the situation in order to learn how best to respond to the oil when it reached their coast. Information and guidance from UC was slow to cross the state line and often the information and/or guidance was inconsistent with actual situations in Florida. On several occasions UC told local governments that skimmers and boom ships were in the water off their coasts, but local government officials would be down at the coast telling UC that no vessels were there. UC would send orders to deploy resources, but because they did not have any GPS or other monitoring equipment, UC never knew if the people they contracted with for response to the spill had followed those orders. In addition, several local government officials stated that BP/USCG dismissed their reports of oil moving towards their area and requests for response action because the potential impact was small, compared to the overall scale of the disaster and threats of larger oil impacts elsewhere along the Gulf. This greatly frustrated Panhandle officials because even a little oil on their beach, although not a significant threat to the environment, was a severe threat to tourism and their economies. One of the main reasons for the breakdown in coordination and communication was the distance between the command centers and the areas being impacted. Initially, the closest command center to the Panhandle was in Mobile, AL. However, once BP and the USCG realized the need for better communication and coordination in the response effort, they began opening local branch command offices to help alleviate these problems.

All of the local government officials at the meeting did acknowledge that communication between the UC and the local governments improved after the

establishment of branch command offices in Florida. However, it took over two months after the spill occurred to open the first branch office and several weeks after that for the UC to allow the branch office managers to make decisions affecting the local areas they served.

The Panhandle government representatives offered the following recommendations:

- Request Congress to amend OPA 90 to include provisions that specifically include local government involvement in shore protection in event of a similar spill.
- Request the USCG to revise ACPs and require local government input in the development of the new plans.
- Identify an independent, third party to research the long-term impacts to the environment and the Gulf habitat that is BP-funded and has state oversight.
- Ensure that BP is required to pay for any impacts, such cleaning up tar balls, which may occur over the next several years.

#### **Workgroup 2 - Assess programs and resources to meet immediate needs of impacted areas**

- a. Hold roundtable discussions in Tallahassee with agencies as needed for follow-up.
- b. Based on conference calls/meetings completed, begin compiling information gathered of state agency use and deployment of BP funds, and state agency use and deployment of current budget. Evaluate state agency future plans for expenditure and evaluate any gaps in response identified.
- c. Based on all the information gathered, determine whether further interim measures such as legislation (state or Federal), rule changes (state or Federal), further data collection, or another type of response is warranted to assist businesses and individuals in the impacted areas.
- d. Begin writing first draft of report.

#### ***Summary of Week 4 Activities:***

State agency appropriations expenditures related to the oil spill were updated and posted on the [workgroup's resource page](#). The workgroup also participated in one conference call.

Information from the conference call may be found below:

- Call was held Monday, August 16, 2010, in Panama City, Florida, with Bobby Roberts, Roberts Financial Planning Services, John Dunaway, Miles Media Group, Ted Haney, Haney Financial Services, Gary Walsingham, William Harrison, and Rep. Jimmy Patronis
- What was learned:
  - Private claims process begins Monday, August 23, 2010; appears BP claims process has slowed in anticipation of this start.
  - Perception and “brand” damage have been biggest issue for area.

- Many businesses have survived summer, but, in many cases, nothing available to survive winter.
- Areas for follow-up:
  - Additional discussions with BP regarding “brand” damage.

In addition, the workgroup:

- Began evaluation of information gathered through conference calls/meetings.
- Updated agency actions/outcomes.
- Determined through Dept. of Health that no more beach oil-spill warning signs remain up in the Panhandle.
- Received Panhandle tourism plans for funds available for use through September 30, 2010.
- Researched process for possible re-opening of red snapper fishing season.
- Researched Dept. of Children & Families use of \$3 million grant for counseling services.
- Began first draft of Workgroup report.

### **Workgroup 3 - Review the scope of private sector damages and processes for compensation**

- a. Attend town hall meeting in Pensacola.
- b. Meet with Ken Feinberg on August 17<sup>th</sup> in Pensacola to discuss the BP claims process.
- c. Conduct conference calls as needed to finish information gathering.
- d. Identify the perceived successes and shortcomings of the independent claims process.
- e. Compile and analyze all the information obtained.
- f. Conduct conference call with Members for discussion; identify preliminary findings.
- g. Begin writing first draft of report.

#### ***Summary of Week 4 Activities:***

Work group members traveled to Pensacola on August 17, 2010, to attend another town hall meeting in Pensacola where Ken Feinberg spoke and took questions. At the meeting, a document containing frequently asked questions about the Gulf Coast Claims Facility was distributed, as well as a Claimant Bill of Rights developed by Mr. Feinberg for the GCCF. These documents are available on the [workgroup's resource page](#).

Following the town hall meeting, the workgroup met with Mr. Feinberg for an hour and discussed the claims process. Mr. Feinberg explained that the GCCF process would go into effect on August 23 and would replace the BP claims process. The GCCF process website is now operational and may be viewed at <http://www.gulfcoastclaimsfacility.com/>. The GCCF Protocol for Emergency Advance Payments and the GCCF Claim Form is available on the [workgroup's resource page](#).

Members also conducted seven conference calls with various interested parties. Calls were held with the Florida Justice Association, the Organized Florida Fishermen and the Southeastern Fisheries Association, Associated Industries of Florida, the

Florida Lodging and Hotel Association, representatives of various legal services organizations, representatives of various Florida chambers of commerce, and the Florida Association of Realtors. These calls are all available as podcasts on the [House's Deepwater Horizon Response and Recovery Web site](#). The conference calls revealed the various experience of those making claims through the BP independent claims process. It was clear that everyone was wondering what the process would look like once the GCCF was up and running.

#### **Workgroup 4 - Develop strategies for public sector recovery of damages**

- a. Develop responses to issues Work Group has been tasked with evaluating.
- b. Begin preparation of Work Group's report.

##### ***Summary of Week 4 Activities:***

The Workgroup held a meeting/conference call on August 20th, and received information regarding claims activity and processes from representatives of the Department of Environmental Protection, the Division of Emergency Management, the Department of Revenue, the Attorney General's Office, the Florida Association of Counties, the Florida League of Cities, the Florida School Superintendents' Association, the Florida School Boards' Association, the Florida Association of Special Districts, and BP. Also, staff continued to receive and evaluate responses to the questionnaires sent to state agencies and local governments. A copy of a presentation given by the Department of Environmental Protection and the Division of Emergency Management at the August 20<sup>th</sup> meeting and the questionnaires may be found on the [workgroup's resource page](#).

By now, it has become clear that most governments have been concentrating on response and removal activities, and are just now beginning to pay full attention to other types of damage claims. Similar to the private claims issues that are being discussed in the press, there are a number of unanswered questions regarding how government claims will be addressed by BP. For example, questions exist regarding what methodology to use to determine lost revenues, how to determine losses due to declines in property values, and how to determine the duration of the negative effects caused by the oil spill.

#### **Workgroup 5 - Identify regional long-term economic recovery opportunities**

- a. Attend federal economic recovery meetings in Escambia, Santa Rosa, Bay, and Gulf counties.
- b. Compile and analyze all the information obtained to date.
- c. Hold conference calls with Escambia and Bay counties to follow-up on federal economic recovery meetings.

##### ***Summary of Week 4 Activities:***

- Staff traveled and attended three day economic recovery workshops held by federal officials and the International Economic Development Council (IEDC) in

Escambia, Santa Rosa, Gulf, and Bay counties. Meeting summaries and presentations were made available to the members of the workgroup and may be found on the [workgroup's resource page](#).

- Surveyed state agencies to determine whether current programs could provide greater flexibility or use to the area impacted by the oil spill to address long-term recovery issues

#### **Workgroup 6 - Examine adequacy of criminal and civil penalties to address offenses causing or arising out of environmental disasters**

- a. Seek input on draft recommendations from Attorney General / Office of Statewide Prosecution staff, state attorneys, executive agency personnel, local government officials, Water Management District personnel, other stakeholders.
- b. Distribute draft legislation / recommendations to workgroup members.

#### ***Summary of Week 4 Activities:***

Continued researching the issues raised during the August 9<sup>th</sup> workgroup meeting (see Week 3 summary).

Drafted and distributed to the workgroup an issue brief on each of the issues raised during the August 9<sup>th</sup> workgroup meeting. A copy of the brief may be found on the [workgroup's resource page](#).

Conferred with the Florida Department of Environmental Protection, the Attorney General's Office, the Office of Statewide Prosecution, and local assistant state attorneys regarding various issues contained in the issue brief.

Met with representatives of the Florida Prosecuting Attorneys' Association to discuss whether the jurisdiction of the Office of Statewide Prosecution should be expanded.

Contacted each of the other 49 states to determine who prosecutes environmental crimes in each state, and drafted a report outlining the findings. A copy of the report may be found on the [workgroup's resource page](#)